

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

**MEMORANDUM AND ORDER**

MARCUS ROBERSON,

19 Cr. 914 (NRB)

Defendant.

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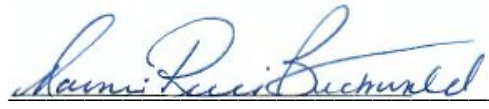
**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

By written order, dated March 26, 2020, this Court denied the defendant's application for release on bail. The reasons for the denial were manifold and unequivocal. See ECF No. 15. Defense counsel filed a letter on March 31, 2020 informing the Court that the defendant appeared on a list of "high risk" inmates presumably because he is an asthmatic who has been prescribed an inhaler (when is unclear) who last had an attack (of unknown severity) approximately two years ago. See ECF No. 18. Like the Government, we treat the March 31 submission as a motion for reargument. However, our ruling does not depend on any technicality related to such a motion. Rather, we have directly considered whether the new, albeit undeveloped, information about the defendant's medical history should lead to a different result and have reached the conclusion that the answer is no. This new information in no way affects the issue of dangerousness or risk of flight, which given the documented inability of the defendant

to conform his conduct to the law or direction, remain dispositive. As it is not necessary to reach the question of whether the defendant has proffered suitable conditions for housing upon release, the Court refrains from commenting on the appropriateness of his living with a pregnant woman given his expressed concern about exposure to the COVID-19 virus while in custody.

**SO ORDERED.**

Dated: New York, New York  
April 3, 2020

  
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NAOMI REICE BUCHWALD  
United States District Judge